HON'BLE SRI JUSTICE G. BHAVANI PRASAD

W. P. Nos.13411, 13566, 13718, 13729, 13776, 14098, 17624, 17641, 17844 and 17720 of 2004

Date: 12-7-2006

W.P. No.13411 of 2004:

Between:

M. Sowmini, D/o. M. Sampath Rao, minor being Represented by natural guardian father M. Sampath Rao, Hyderguda, Hyderabad and another. .. Petitioners

And

Government of Andhra Pradesh, rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad and two others .. Respondents

W.P. No.13566 of 2004:

Between:

Gugulothu Sudheer Naik and three others .. Petitioners

And

The Principal Secretary to Govt., State of A.P., Health, Medical & Family Welfare Department, Secretariat Buildings, Saifabad, Hyderabad and four others .. Respondents

W.P. No.13718 of 2004:

Between:

Shafi Khan Ali Khangar ..

Petitioner

And

Government of Andhra Pradesh, rep. by its Principal Secretary, Health, Medical and Family Welfare (E1) Department, Secretariat, Hyderabad and three others .. Respondents

W.P. No.13729 of 2004:

Between:

A. Swetha Reddy .. Petitioner

And

State of Andhra Pradesh rep. by its Principal Secretary to the Government, Health, Medical and Family Welfare Department, Secretariat Buildings, Saifabad, Hyderabad and 4 others .. Respondents

W.P. No.13776 of 2004:

Between:

Syeda Amena Nazneen .. Petitioner

And

Government of Andhra Pradesh rep. by its Principal Secretary, Health, Medical and Family Welfare (E1) Department, Secretariat, Hyderabad and 3 others .. Respondents

W.P. No.14098 of 2004:

Between:

Shaik Khaledali ..
Petitioner

And

The Principal Secretary to Government, State
of A.P., Health, Medical & Family Welfare
Department, Secretariat Buildings, Saifabad,
Hyderabad and 4 others ..
Respondents

W.P. No.17624 of 2004:

Between:

Mavoori Archana, D/o Krishna, rep. by
Natural guardian M. Krishna, Hyderabad ..
Petitioner

And

Government of Andhra Pradesh, rep. by
its Principal Secretary, Health, Medical
& Family Welfare Dept., Secretariat,
Hyderabad and two others .. Respondents

W.P. No.17641 of 2004:

Between:

M. Rajneesh .. Petitioner

And

Government of Andhra Pradesh, rep. by its
Principal Secretary, Health, Medical &
Family Welfare Dept., Secretariat, Hyderabad
and two others ..
Respondents

W.P. No.17844 of 2004:

Between:

Dubasi Prabhakar and two others .. Petitioners

And

Government of Andhra Pradesh rep. by its
Principal Secretary, Health, Medical &
Family Welfare Department, Secretariat,
Hyderabad and 4 others ..
Respondents

W.P. No.17720 of 2004:

Between:

R. Akila, D/o. late Sri L. Ramachandran,
Minor, rep. by mother & natural guardian
Smt. Uma Ramachandran .. Petitioner

And

Government of Andhra Pradesh rep. by its
Principal Secretary, Health, Medical &
Family Welfare Department, Secretariat,
Hyderabad and two others ..
Respondents

COMMON ORDER:

Sri A. Prabhakar Rao, learned counsel for the writ petitioners, Sri K.G. Ravikanth, learned counsel representing Sri K.G.K. Prasad, learned counsel for Deccan College of Medical Sciences, Hyderabad and Smt. K. Jayasree, learned counsel representing Sri D.V. Nagarjuna Babu, learned counsel for NTR University of Health and Medical Sciences, Vijayawada are heard.

All the writ petitions are basically directed against giving

effect to G.O. Ms. No.217 Health, Medical and Family Welfare (E1) Department, dated 23-7-2004 issued by the State Government in respect of the admissions into M.B.B.S., course for the academic year 2004-2005 and consequential relief to the respective writ petitioners to pursue their admissions and studies in the M.B.B.S., course in Deccan College of Medical Sciences, Hyderabad commencing from the academic year 2004-2005.

In all the writ petitions, the impugned G.O. Ms. No.217 Health, Medical and Family Welfare (E1) Department, dated 23-7-2004 stood suspended by virtue of the interim orders granted by this Court and the respective writ petitioners were permitted to pursue their M.B.B.S., course in Deccan College of Medical Sciences, Hyderabad. In the common order passed in W.P.M.P. No.17175 of 2004 in W.P. No.13410 of 2004 and batch on 23-9-2004, Hon'ble Sri Justice V.V.S. Rao had gone in depth into the questions involved in the writ petitions with reference to the conflicting contentions of the parties and noted that it will be suffice to refer to the statement in the counter of the Principal Secretary to Government of Andhra Pradesh, Medical and Health Department, which supports the case of the petitioners that these rules are intended to apply to future admissions to M.B.B.S., course and the new rules have no application to the admissions made in accordance with G.O. Ms. No.185, dated 30-6-2004. Accordingly, the learned Judge dismissed the petitions for vacating the interim orders granted earlier and made the interim orders absolute. The learned Judge was pleased to note that the writ petitioners have, prima facie, strong case and will suffer great loss, which cannot be compensated in terms of money, if interim orders are vacated. The same considerations govern the exercise of the equitable jurisdiction of this Court under Article 226 of the

Constitution of India even ultimately in the main writ petitions and there is neither any change of circumstances nor any dispute about the continued existence of the same facts.

The learned counsel for Deccan College of Medical Sciences, Hyderabad has brought to the notice of this Court that in G.O. Ms. No.150, Health, Medical & Family Welfare (E1) Department, dated 06-05-2005, in fact, these excess admissions necessitated by the writ petitions have been regularized and under the circumstances, nothing further survives to be adjudicated in these writ petitions.

Consequently, the writ petitioners shall be entitled to continue to have the benefit of the interim directions granted by this Court earlier and the writ petitions are accordingly closed. No costs.

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G. BHAVANI PRASAD, J

Date: 12-7-2006
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